

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY MAY 6, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1012**

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**Introduced by Assembly Member Jones-Sawyer**  
(Coauthors: Senators Hall and Mitchell)

February 26, 2015

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An act to add Sections 51228.1, 51228.2, and 51228.3 to the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL’S DIGEST

AB 1012, as amended, Jones-Sawyer. Pupil instruction: course periods without educational content.

(1) Existing law establishes a system of public elementary and secondary education in this state, and requires and authorizes local educational agencies to provide specified instruction at elementary and secondary schools. Existing law prescribes various requirements with respect to a course of study for grades 7 to 12, inclusive, at these schools.

This bill, commencing with the 2016–17 school year, would prohibit school districts that maintain any of grades 7 to 12, inclusive, from assigning any pupil enrolled in a school, as defined to exclude alternative schools, community day schools, continuation schools, and opportunity schools, in the school district to any course period without educational content, as defined, for more than one week in any semester, except under prescribed conditions. The bill would specifically prohibit school districts from assigning any pupil enrolled in a school in the school district to a course period without educational content because there

are not sufficient curricular course offerings for the pupil to take during the relevant period of the designated schoolday.

The bill would also prohibit school districts that maintain any of grades 7 to 12, inclusive, from assigning a pupil to a course that the pupil has previously completed and received a grade determined by the school district to be sufficient to satisfy the requirements and prerequisites for admission to the California public institutions of postsecondary education and the minimum requirements for receiving a diploma of graduation from high school, except under specified conditions.

The bill would specify that it is not to be interpreted to limit or otherwise affect the authority of a school district to provide evening high school programs, independent study programs, or work-based learning or work experience education.

The bill would specify procedures to be followed if a complaint of noncompliance with the requirements of the bill is filed with a local educational ~~agency~~. *agency or if an appeal of the local educational agency's decision on the complaint is made to the State Department of Education.* The bill would require the Superintendent of Public Instruction to prepare an annual report detailing actions taken pursuant to these procedures.

The bill would require the Superintendent to adopt regulations governing these provisions.

To the extent that this bill would create new duties for local educational agencies, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 51228.1 is added to the Education Code,  
2 to read:

1 51228.1. (a) Commencing with the 2016–17 school year,  
2 except as provided in subdivision (e), a school district maintaining  
3 any of grades 7 to 12, inclusive, shall not assign any pupil enrolled  
4 in a school in the school district to any course period without  
5 educational content for more than one week in any semester, unless  
6 all of the following conditions are satisfied:

7 (1) For any pupil who has not fulfilled the prerequisites for  
8 admission to the California public institutions of postsecondary  
9 education or the minimum requirements for receiving a diploma  
10 of graduation from high school established in this article:

11 (A) The principal or an assistant principal of the school certifies  
12 in a document to be placed in the pupil’s cumulative record that  
13 the pupil will benefit from being assigned to the course period,  
14 and provides an individualized explanation in the written  
15 certification for that conclusion, which may include an  
16 individualized determination that the pupil will benefit from  
17 mentorship that will be provided by the certificated or certified  
18 employee supervising the pupil during the relevant period.

19 (B) The principal or an assistant principal of the school certifies  
20 in a document to be placed in the pupil’s cumulative file that  
21 providing a course period with educational content is not likely to  
22 benefit the pupil to the same extent as providing the course period  
23 without educational content, and provides an explanation in the  
24 written certification for that conclusion.

25 (C) The principal or an assistant principal of the school certifies  
26 in a document to be placed in the pupil’s cumulative record that  
27 the pupil is not being assigned to the course because there are no  
28 other courses with curricular content for the pupil to take during  
29 the relevant period in the designated schoolday.

30 (D) The principal or an assistant principal of the school certifies  
31 in a document to be placed in the pupil’s cumulative record that  
32 the pupil and the parent, legal guardian, or educational rights holder  
33 of the pupil have consented to the pupil’s enrollment in the course  
34 period without educational content and that the school has obtained  
35 a consent form, signed by the pupil and the parent, legal guardian,  
36 or educational rights holder of the pupil.

37 (E) The pupil is assigned to no more than one course period  
38 without educational content during a single semester.

39 (2) For any pupil who has fulfilled both the prerequisites for  
40 admission to the California public institutions of postsecondary

1 education and the minimum requirements for receiving a diploma  
2 of graduation from high school established in this article:

3 (A) The principal or an assistant principal of the school certifies  
4 in a document to be placed in the pupil's cumulative record that  
5 the pupil will benefit from being assigned to the course period and  
6 provides an individualized explanation in the written certification  
7 for that conclusion, which may include an individualized  
8 determination that the pupil will benefit from mentorship that will  
9 be provided by the certificated or certified employee supervising  
10 the pupil during the relevant period or identification of the  
11 educational or employment opportunity that assigning the course  
12 period will allow the pupil to pursue and reason for concluding  
13 the pupil will, in fact, pursue that opportunity.

14 (B) The principal or an assistant principal of the school certifies  
15 in a document to be placed in the pupil's cumulative record that  
16 the pupil is not being assigned to the course because there are no  
17 other courses with curricular content for the pupil to take during  
18 the relevant period in the designated schoolday.

19 (C) The principal or an assistant principal of the school certifies  
20 in a document to be placed in the pupil's cumulative record that  
21 the pupil and the parent, legal guardian, or educational rights holder  
22 of the pupil have consented to the pupil's enrollment in the course  
23 period without educational content and that the school has obtained  
24 a consent form, signed by the pupil and the parent, legal guardian,  
25 or educational rights holder of the pupil.

26 (b) Under no circumstances shall a school district assign any  
27 pupil enrolled in a school in the school district to a course period  
28 without educational content because there are not sufficient  
29 curricular course offerings for the pupil to take during the relevant  
30 period of the designated schoolday.

31 (c) For purposes of this section, "course period without  
32 educational content" is defined as one course period during which  
33 any of the following occurs:

34 (1) The pupil is sent home or released from campus before the  
35 conclusion of the designated schoolday.

36 (2) The pupil is assigned to service, instructional work  
37 experience, or to a course that has a different name, but involves  
38 the pupil providing assistance to a certificated employee in a  
39 situation in which the ratio of pupil to employee is greater than  
40 one to one.

1 (3) The pupil is not assigned to any course for the relevant  
2 course period.

3 (d) Nothing in this section shall be interpreted to limit or  
4 otherwise affect the authority of a school district to establish and  
5 maintain evening high school programs, as provided for in Article  
6 3 (commencing with Section 51720) of Chapter 5, to offer  
7 independent study, as provided for in Article 5.5 (commencing  
8 with Section 51745) of Chapter 5, to provide courses of work-based  
9 learning or work experience education, as provided for in Article  
10 7 (commencing with Section 51760) of Chapter 5, or to offer any  
11 class or course of instruction authorized under Chapter 5  
12 (commencing with Section 51700), if the program otherwise meets  
13 all of the requirements of law governing that program.

14 (e) This section shall not apply to a pupil enrolled in any of the  
15 following:

- 16 (1) An alternative school.
- 17 (2) A community day school.
- 18 (3) A continuation high school.
- 19 (4) An opportunity school.

20 (f) The Superintendent shall adopt regulations to establish  
21 procedures governing this section, including the form of the  
22 certifications required pursuant to subdivision (a).

23 SEC. 2. Section 51228.2 is added to the Education Code, to  
24 read:

25 51228.2. (a) Except as provided in subdivision (d), a school  
26 district maintaining any of grades 7 to 12, inclusive, shall not assign  
27 any pupil enrolled in a school in the school district to a course that  
28 the pupil has previously completed and received a grade determined  
29 by the school district to be sufficient to satisfy the requirements  
30 and prerequisites for admission to the California public institutions  
31 of postsecondary education and the minimum requirements for  
32 receiving a diploma of graduation from high school established in  
33 this article, unless the pupil is assigned for the purpose of  
34 improving a lesser grade or because the course has been designed  
35 to be taken more than once, or unless all of the following conditions  
36 are satisfied:

37 (1) The principal or an assistant principal of the school certifies  
38 in a document to be placed in the pupil's cumulative record that  
39 the course is designed to be repeated because pupils are exposed

1 to a new curriculum year-to-year and are therefore expected to  
2 derive educational value from taking the course again.

3 (2) The principal or an assistant principal of the school certifies  
4 in a document to be placed in the pupil's cumulative record that  
5 the pupil is not being assigned to the course because there are no  
6 other courses with curricular content for the pupil to take during  
7 the relevant period in the designated schoolday.

8 (3) The principal or an assistant principal of the school certifies  
9 in a document to be placed in the pupil's cumulative record that  
10 the pupil has consented to the pupil's enrollment in the course.

11 (b) Under no circumstances shall a school district assign any  
12 pupil enrolled in a school in the school district to a course that the  
13 pupil has previously completed and received a grade determined  
14 by the school district to be sufficient to satisfy the requirements  
15 and prerequisites for admission to the California public institutions  
16 of postsecondary education and the minimum requirements for  
17 receiving a diploma of graduation from high school established in  
18 this article because there are not sufficient curricular course  
19 offerings for the pupil to take during the relevant period of the  
20 designated schoolday.

21 (c) Nothing in this section shall be interpreted to limit or  
22 otherwise affect the authority of a school district to establish and  
23 maintain evening high school programs, as provided for in Article  
24 3 (commencing with Section 51720) of Chapter 5, to offer  
25 independent study, as provided for in Article 5.5 (commencing  
26 with Section 51745) of Chapter 5, to provide courses of work-based  
27 learning or work experience education, as provided for in Article  
28 7 (commencing with Section 51760) of Chapter 5, or to offer any  
29 class or course of instruction authorized under Chapter 5  
30 (commencing with Section 51700), if the program otherwise meets  
31 all of the requirements of law governing that program.

32 (d) This section shall not apply to a pupil enrolled in any of the  
33 following:

- 34 (1) An alternative school.
- 35 (2) A community day school.
- 36 (3) A continuation high school.
- 37 (4) An opportunity school.

38 (e) The Superintendent shall adopt regulations to establish  
39 procedures governing this section, including the form of the  
40 certifications required pursuant to subdivision (a).

1 SEC. 3. Section 51228.3 is added to the Education Code, to  
2 read:

3 51228.3. (a) A complaint of noncompliance with the  
4 requirements of Section 51228.1 or 51228.2 may be filed with the  
5 local educational agency under the Uniform Complaint Procedures  
6 set forth in Chapter 5.1 (commencing with Section 4600) of  
7 Division 1 of Title 5 of the California Code of Regulations.

8 ~~(b) Within five schooldays of a local educational agency's~~  
9 ~~receipt of a complaint alleging a violation of the requirements of~~  
10 ~~Section 51228.1 or 51228.2, the local educational agency shall~~  
11 ~~conduct a complete investigation and issue a written local~~  
12 ~~educational agency decision. The investigation and decision shall~~  
13 ~~comply with the requirements of subdivisions (b) to (d), inclusive,~~  
14 ~~and paragraphs (1) to (7), inclusive, of subdivision (e), of Section~~  
15 ~~4631 of Title 5 of the California Code of Regulations. When a~~  
16 ~~local educational agency determines that a complaint filed pursuant~~  
17 ~~to this section has merit, it shall provide a report to the department~~  
18 ~~regarding the basis for the complaint, the findings, and the remedy~~  
19 ~~provided.~~

20 ~~(c) A complainant not satisfied with the decision of a local~~  
21 ~~educational agency may appeal the decision to the department~~  
22 ~~pursuant to Chapter 5.1 (commencing with Section 4600) of~~  
23 ~~Division 1 of Title 5 of the California Code of Regulations.~~

24 ~~(d) If the complainant appeals a local educational agency~~  
25 ~~decision regarding an alleged violation of the requirements of~~  
26 ~~Section 51228.1 or 51228.2, the department shall issue a written~~  
27 ~~decision regarding the appeal within 30 days of the department's~~  
28 ~~receipt of the appeal.~~

29 ~~(e) If the department renders a decision in favor of the~~  
30 ~~complainant, the local educational agency shall immediately~~  
31 ~~convene a local assistance committee to develop a written plan to~~  
32 ~~ensure that the school district satisfies the requirements of Sections~~  
33 ~~51228.1 and 51228.2. The local assistance committee shall include~~  
34 ~~representatives from the department, the school district, the school,~~  
35 ~~and, to the extent practicable, shall also include a representative~~  
36 ~~from the applicable county office of education. In developing the~~  
37 ~~plan, the local assistance committee shall consult with pupils,~~  
38 ~~parents, legal guardians or educational rights holders, and teachers~~  
39 ~~at the affected schools. The local assistance committee shall~~

1 complete the plan no later than 21 days after the department makes  
2 the determination required pursuant to this subdivision.

3 (b) A complainant not satisfied with the decision of a local  
4 educational agency may appeal the decision to the department  
5 pursuant to the Uniform Complaint Procedures set forth in Chapter  
6 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the  
7 California Code of Regulations, and shall receive a decision  
8 regarding the appeal within 60 days of the department's receipt  
9 of the appeal.

10 (c) If a local educational agency finds merit in a complaint filed  
11 pursuant to subdivision (a), or the Superintendent finds merit in  
12 an appeal made pursuant to subdivision (b), the local educational  
13 agency shall provide a remedy to the affected pupil.

14 (f)

15 (d) The Superintendent shall prepare an annual report detailing  
16 actions taken pursuant to this section. By January 1 of each fiscal  
17 year, the Superintendent shall submit the report to the appropriate  
18 fiscal and policy committees of the Legislature.

19 (g)

20 (e) The Superintendent shall have all power and authority  
21 necessary to effectuate the requirements of this section. The  
22 Superintendent shall adopt regulations that set forth the procedures  
23 governing this section.

24 SEC. 4. If the Commission on State Mandates determines that  
25 this act contains costs mandated by the state, reimbursement to  
26 local agencies and school districts for those costs shall be made  
27 pursuant to Part 7 (commencing with Section 17500) of Division  
28 4 of Title 2 of the Government Code.